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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 ANTOLIN MARKS,

10 Plaintiff,

11 v.

12 GARY GARMAN, *et al.*,

13 Defendants.

Case No. C07-5282FDB

ORDER REVISING THE
SCHEDULING ORDER AND
PROVIDING PLAINTIFF AN
OPPORTUNITY TO PROVIDE
EVIDENCE OF A TORT CLAIM
COVERING THE ISSUES IN THE
COMPLAINT.

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15 This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge
16 pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR
17 3, and MJR 4. The case has been re-referred to this court after a Report and Recommendation was
18 adopted. The Report and Recommendation dismissed all claims except plaintiff's federal Tort Claim
19 allegations. The court stated "Plaintiff should be given a very limited opportunity to provide the
20 court with proof he filed a Federal Tort Claim that covers the allegations in this complaint." The
21 remaining allegations are that the defendants denied plaintiff access to files for Joanne and Marva
22 Rudder and access to his own files including his custody file. Plaintiff alleges he also sought copies
23 of grievances he had filed.

24 The scheduling order must be revised. Plaintiff's proof regarding the filing of a tort claim
25 that covers the issues above will be due on or before October 3, 2008. The court expects Mr. Marks
26 to file copies of the tort claim and the denial. Failure to do so will result in a Report and
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1 Recommendation that this remaining claim be Denied.

2 Any further dispositive motions either party wishes to file will be due on or before October
3 17, 2008. A Joint Status Report will be due on February 6, 2009.

4 The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel for
5 defendant(s).

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7 DATED this 25 day of August, 2008.

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/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge

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28 ORDER - 2